

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:04CV178

MERITOR TRANSMISSION)
CORPORATION,)
)
Plaintiff,)
)
vs.) O R D E R
)
EATON CORPORATION,)
)
Defendant.)
)
_____)

THIS MATTER is before the Court on the parties' responses to the Order filed July 12, 2005.

The Defendant advises that the motion to compel has been resolved and the Court therefore denies the motion as moot. Plaintiff, however, requests that the Court hold the hearing presently scheduled in connection with the motion to compel to address other discovery disputes which have not been made the subject of motions. The Court declines to do so.

The parties are yet again instructed to make good faith efforts to resolve discovery disputes without court involvement.

IT IS, THEREFORE, ORDERED that the Defendant's motion to compel is hereby **DENIED** as moot.

IT IS FURTHER ORDERED that the hearing scheduled for Monday, July 25, 2005 is hereby **CANCELLED**.

The Clerk of Court is instructed to serve this Order via facsimile and mail.

Signed: July 22, 2005



Lacy H. Thornburg
United States District Judge

